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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,411	07/18/2003	Walter Ribic	R04P01-US	1410
30008	7590	12/28/2004	EXAMINER	
GUDRUN E. HUCKETT DRAUDT			SLACK, NAOKO N	
LONSSTR. 53				
WUPPERTAL, 42289			ART UNIT	PAPER NUMBER
GERMANY			3635	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/604,411		<b>Applicant(s)</b> RIBIC, WALTER	
	<b>Examiner</b> Naoko Slack		<b>Art Unit</b> 3635	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 13 September 2004.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-42 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-3, 5, 7, 8, 15-23, 26, 27, 33, 37 and 40 is/are rejected.

7) ☒ Claim(s) 4, 6, 9-14, 24, 25, 28-32, 34-36, 38, 39, 41 and 42 is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 13 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>September 13, 2004</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on September 13, 2004 has been entered and considered by the examiner.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

The disclosure is objected to because of the following informalities:

On line 1 of paragraph 2, "ystem" should be - - system - -;

On line 2 of paragraph 77, "154" should probably be - -158 - -, since 154 was previously defined as the "insertion section";

On line 4 of paragraph 105, "tp" should be - - to - -; and

On lines 7 and 8 of paragraph 115, numeral 624 has been used for "other leg" and "adhesive". Appropriate correction is required.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: On the second to last line of claim 1, "the the" should be - - the - -. In claim 42, line 2, - -a - - should be inserted before "hook-shaped". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 17, "the fastening element" (line 3) and "the support leg" (lines 4-5) lack antecedent basis. Depending claims 18-21 are therefore also rejected. Otherwise, claims 17-21 appear to contain allowable subject matter over the prior art of record.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7, 8, 15, 22, 23, 26, 27, 37 and 40 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US Patent 5,632,125 to Osanai.

Claim 1:

Osanai discloses a structural element system for the construction industry, comprising post sections (10, Figure 3), framed flat elements (4, Figure 3), holding sections (16, Figure 3), and seals (20, Figure 3) wherein, for thermal insulation of the

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post sections and the framed flat elements, the holding sections are attached on the post sections; wherein the framed flat elements are attached to the holding sections; wherein the seals together with the post sections form chambers; wherein, in the mounted state of the structural element system, the holding sections are enclosed in the chambers.

Claim 2:

Osanaï discloses the structural element system wherein the post section is a box section having at least one rectangular box for securing the holding sections, respectively, wherein the rectangular box has on two parallel outer sides (11, Figure 3) and at least two holding lips (13A, Figure 3) configured to secure the holding sections (15, Figure 3).

Claim 3:

Osanaï discloses a post section for a structural element system wherein the post section is a box section having at least one rectangular box (as best shown in Figure 3), wherein the rectangular box has on two parallel outer sides (11, Figure 3) and at least two holding lips (12A and 13A, Figure 3) configured to secure holding sections (16), connecting members (7), wall fastening elements (14), and cover strips (17A).

Claim 5:

Osanaï discloses two parallel legs for at least partially enclosing a holding section (legs 13 enclosing section 16).

Claims 7 and 8:

Osanai discloses a T-shaped recess (10, Figure 3) configured to suspend a connecting element (8, Figure 4).

Claim 15:

Osanai discloses a fastening element with a contact leg (top portion of 5) for attaching the fastening element to a wall and a support leg projecting at a right angle from the contact leg for supporting a connecting member (7).

Claim 22:

Osanai discloses a connecting member (8, Figure 4) for connecting two post sections having a hollow chamber (10, Figure 4), wherein the connecting member has a first insertion section, insertable into the chamber of the first post section, having a cross-section matching the cross-section of the hollow chamber, and a second insertion section, connectable in any desired way to the second post section, wherein the first and second insertions sections are connected.

Claim 23:

The second insertion section is configured to be inserted into a T-shaped receiving opening of the second post section. As best seen in Figure 4, the opening adjacent element 32 comprises a T-shape.

Claim 26:

Osanai discloses a two-part profiled frame comprising outer frame sections (17A-17C) and an inner frame section (16, Figure 3) wherein the inner and outer frame sections are locked with one another, a flat framing element (4) being clamped between

the outer and inner frames, wherein the outer frame is attached to the post section by the inner frame member.

Claim 27:

The outer frame sections comprise hooks (17C) formed on a leg.

Claim 37:

Osanai discloses a frame section comprising two parallel extending legs (12A and 13A) parallel to the flat elements to be framed.

Claim 40:

Osanai discloses a frame section with a receptacle, a mounting surface, for a seal(71, Figure 5C).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,632,125 to Osanai.

Claim 16:

Osanai discloses a fastening element (bracket 5, Figure 3) connected to the support with a bolt, but fails to disclose that the contact leg is slotted. However, slotted

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brackets are well known in the art for permitting slight adjustments upon installation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to put slotted holes on the contact leg of Osanai's bracket to facilitate installation.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,632,125 to Osanai as applied to claim 1 above and further in view of US Patent 3,055,460 to Maroney.

Claim 33:

While Osanai does not disclose bottom rails for ground attachment, Maroney discloses a vertical glazing system with bottom rails (16, Figure 4). It would have been obvious for one of ordinary skill in the art at the time the invention was made to provide Osanai with bottom rails for support of the glazing system.

#### ***Allowable Subject Matter***

Claims 4,6, 9-14, 24, 25, 28-32, 34-36, 38, 39, 41, 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***References Cited of Interest***

US Patent 6,718,708 to Donoghue discloses a vertical glazing system. US Patent



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4,648,231 to Laroche discloses a structural joint element for panels comprising interlocking frame elements, seals, and a post.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (703) 305-0315. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naoko Slack  
Primary Examiner  
Art Unit 3635



NS

December 13, 2004